

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FIREMAN'S FUND INSURANCE
COMPANY

As Subrogee of
Thirty Four Lime Street Trust, et al.
777 Marin Drive
Novato, California 94998

Plaintiff

v.

C. H. NEWTON BUILDERS, INC.; and
ALAIRE PLUMBING & HEATING

Defendants

CIVIL ACTION NO.
1:05-CV-30089 (RGS)

SEPTEMBER 20, 2005

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)

Fireman's Fund Insurance Company a/s/o Thirty Four Lime Street Trust (the "Plaintiff"), C.H. Newton Builders, Inc. ("Defendant Newton"), and Alaire Plumbing & Heating ("Defendant Alaire") (collectively referred to as "the Parties"), submit the following Joint Statement pursuant to Local Rule 16.1(D).

I. DISCOVERY PLAN

1. The Parties expect to have completed their Fed. R. Civ. P. 26(a)(1) disclosures by October 14, 2005.
2. Depositions noticed pursuant to Fed. R. Civ. P. 30(b)(6) and depositions of experts shall be taken in or near the locality where the witness resides or works unless the Parties and the witness agree or there is a court order otherwise.
3. Plaintiff must provide the expert disclosure required pursuant to Fed. R. Civ. P. 26(a)(2) on or before May 15, 2006.

4. Plaintiff shall produce their proposed trial experts for deposition on or before June 15, 2006. In accordance with Fed. R. Civ. P. 26(b)(4), expert witnesses should be produced without need for subpoena.
5. Defendant must provide the expert disclosure required pursuant to Fed. R. Civ. P. 26(a)(2) on or before July 15, 2006.
6. Defendant shall produce its proposed trial experts for deposition on or before August 15, 2006. In accordance with Fed. R. Civ. P. 26(b)(4), expert witnesses should be produced without need for subpoena.
7. Discovery to be concluded on or before August 15, 2006. The Parties do not anticipate the need to exceed the ten-per-side deposition limit set forth in Local Rule 26.1(c). If the need arises after discovery is commenced, the parties reserve the right to seek the court's approval to exceed the ten-per-side limit.
8. With respect to expert depositions, the Party noticing the deposition shall be responsible for paying the travel expenses and reasonable fees of the expert for time spent at the deposition pursuant to Fed. R. Civ. P. 26(b)(4). The Parties shall be responsible for compensating their own experts for all preparation time.

II. PROPOSED SCHEDULE FOR THE FILING OF MOTIONS

1. All motions relating to joinder of parties, claims, and remedies and all motions to amend pleadings shall be filed on or before February 15, 2006.
2. All dispositive motions, including summary judgment motions pursuant to Fed. R. Civ. P. 56, shall be filed on or before September 15, 2006.
3. Any documents to be produced that contain trade secret or proprietary information shall be covered by a mutually agreed upon protective order to be executed by both Parties and

submitted to the Court for endorsement. All other motions pertaining to proposed confidentiality orders and protective orders shall be filed within a reasonable time after issues to which they pertain arise.

4. The Parties anticipate being ready for trial after November 15, 2006.

III. ADR AND TRIAL BY MAGISTRATE

The Parties have been advised of alternative dispute resolution programs in accordance with Local Rule 16.1(D)(3) and will file the required certifications by the date of the scheduling conference.

FIREMAN'S FUND INSURANCE COMPANY

a/s/o Thirty Four Lime Street Trust,
By its Attorneys,
LAW OFFICES OF
STUART G. BLACKBURN



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By its Attorney,

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ALAIRE PLUMBING & HEATING,

By its Attorney,

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FOR THE DISTRICT OF MASSACHUSETTS

FIREMAN'S FUND INSURANCE
COMPANY

As Subrogee of
Thirty Four Lime Street Trust, et al.
777 Marin Drive
Novato, California 94998

Plaintiff

v.

C. H. NEWTON BUILDERS, INC.; and
ALAIRE PLUMBING & HEATING

Defendants

CIVIL ACTION NO.
1:05-CV-30089 (RGS)


SEPTEMBER 12, 2005

LOCAL RULE 16.1(D)(3) CERTIFICATION

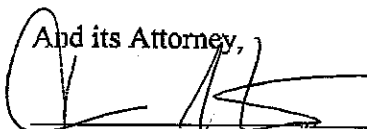
Fireman's Fund Insurance Company a/s/o Thirty Four Lime Street Trust (the "Plaintiff")
and its undersigned counsel, hereby certify:

1. That we have conferred with a view towards establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation; and
2. That we have conferred to consider the resolution of litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

FIREMAN'S FUND INSURANCE
COMPANY a/s/o DAVID RYAN,
By Fireman's Fund Insurance Company,


Patrick Whitford
Craig Insurance Services
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And its Attorney,



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CERTIFICATION

I hereby certify that a copy of the foregoing JOINT STATEMENT AND LOCAL RULE 16.1(D)(3) CERTIFICATION has been transmitted via facsimile on this 20th day of September to the following:

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